

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to termination of residential rental tenancies; prohibiting evictions in winter months; and amending Section 22.206.160 of the Seattle Municipal Code.

..body

WHEREAS, on November 2, 2015, the Mayor issued a Civil Emergency to address the homelessness crisis in the City of Seattle; and

WHEREAS, on November 3, 2015, the City Council adopted Resolution 31630, ratifying and confirming the Mayoral Proclamation of Civil Emergency; and

WHEREAS, in September 2018, the Seattle Women’s Commission and the King County Bar Association jointly published *Losing Home: The Human Cost of Eviction in Seattle*, finding that households who are evicted face material hardships that make it more difficult to secure safe and affordable housing and that the most disadvantaged groups face the highest likelihood of eviction; and

WHEREAS, the *Losing Home* report found that most evicted respondents became homeless, with 37.5 percent completely unsheltered, 25.0 percent living in a shelter or transitional housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted respondents found another apartment or home to move into; and

WHEREAS, in 2018, the King County Medical Examiner’s Office (KCMEO) investigated the deaths of 194 individuals presumed to be homeless. This represents 25 more deaths than investigated in 2017; and

WHEREAS, people experiencing homelessness have a much higher risk than the general population of developing exposure-related conditions. The KCMEO 2018 investigation found that over half (n=107) of presumed homeless deaths investigated occurred outside

1 and that approximately 62 percent (n=121) of presumed homeless deaths investigate were
2 attributed to non-natural causes (drug overdose, accidents (that includes hypothermia),
3 suicide, homicide, and undetermined); and

4 WHEREAS, prohibiting evictions during winter months will protect the public health, safety,
5 and welfare by reducing the number of individuals and families entering into
6 homelessness during the wintertime, which means lowering the number of people at
7 higher risk of developing exposure-related conditions; NOW, THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was
10 last amended by Ordinance 125954, is amended as follows:

11 **22.206.160 Duties of owners**

12 * * *

13 C. Just cause eviction

14 1. Pursuant to provisions of the Washington State Residential Landlord-Tenant
15 Act (RCW 59.18.290), an owner((s)) may not evict a residential tenant((s)) without a court order,
16 which can be issued by a court only after the tenant has an opportunity in a show cause hearing
17 to contest the eviction (RCW 59.18.380). An o((Θ))wner((s)) of a housing unit((s)) shall not
18 evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of
19 any tenant, unless the owner can prove in court that just cause exists. ~~Regardless of whether just~~
20 cause for eviction may exist, an o((Θ))wner((s)) may not evict a residential tenant((s)) from a
21 rental housing unit((s)) if: the unit((s-are)) is not registered with the Seattle Department of
22 Construction and Inspections if required by Section 22.214.040; or the eviction occurs from
23 November 1 through March 31 ((, regardless of whether just cause for eviction may exist)).

1 An owner is in compliance with ~~((this))~~ the registration requirement if the rental
2 housing unit is registered with the Seattle Department of Construction and Inspections before
3 issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below, and no
4 others, shall constitute just cause under this Section 22.206.160:

5 a. The tenant fails to comply with a 14 day notice to pay rent or vacate
6 pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW
7 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related
8 activity nuisance pursuant to chapter 7.43 RCW), or maintenance of an unlawful business or
9 conduct pursuant to RCW 59.12.030(5);

10 b. The tenant habitually fails to pay rent when due which causes the owner
11 to notify the tenant in writing of late rent four or more times in a 12 month period;

12 c. The tenant fails to comply with a ten day notice to comply or vacate that
13 requires compliance with a material term of the rental agreement or that requires compliance
14 with a material obligation under chapter 59.18 RCW;

15 d. The tenant habitually fails to comply with the material terms of the
16 rental agreement which causes the owner to serve a ten day notice to comply or vacate three or
17 more times in a 12 month period;

18 e. The owner seeks possession so that the owner or a member of ~~((his or~~
19 ~~her))~~ the owner's immediate family may occupy the unit as that person's principal residence and
20 no substantially equivalent unit is vacant and available in the same building, and the owner has
21 given the tenant at least 90 days' advance written notice of the date the tenant's possession is to
22 end. The Director may reduce the time required to give notice to no less than 20 days if the
23 Director determines that delaying occupancy will result in a personal hardship to the owner or to

1 the owner's immediate family. Personal hardship may include but is not limited to hardship
2 caused by illness or accident, unemployment, or job relocation. For the purposes of this Section
3 22.206.160, "Immediate family" includes the owner's domestic partner registered pursuant to
4 Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers
5 and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There is a
6 rebuttable presumption of a violation of this subsection 22.206.160.C.1.e if the owner or a
7 member of the owner's immediate family fails to occupy the unit as that person's principal
8 residence for at least 60 consecutive days during the 90 days immediately after the tenant
9 vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the
10 cause for eviction;

11 f. The owner elects to sell a single-family dwelling unit and gives the
12 tenant at least 90 days' written notice prior to the date set for vacating, which date shall coincide
13 with the end of the term of a rental agreement, or if the agreement is month to month, with the
14 last day of a monthly period. The Director may reduce the time required to give notice to no less
15 than 60 days if the Director determines that providing 90 days' notice will result in a personal
16 hardship to the owner. Personal hardship may include but is not limited to hardship caused by
17 illness or accident, unemployment, or job relocation. For the purposes of this Section
18 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the
19 dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale
20 at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a
21 newspaper of general circulation. There shall be a rebuttable presumption that the owner did not
22 intend to sell the unit if:

1) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or

2) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;

g. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

h. The owner seeks to do substantial rehabilitation in the building;
provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210
and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before
terminating the tenancy;

i. The owner (i) elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy, or (ii) converts the building to a condominium provided the owner complies with the provisions of Sections 22.903.030 and 22.903.035;

j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 after receipt of a notice of violation. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1 1) \$2,000 for a tenant household with an income during the past 12
2 months at or below 50 percent of the County median income, or

3 2) Two months' rent for a tenant household with an income during
4 the past 12 months above 50 percent of the County median income;

5 k. The owner seeks to reduce the number of individuals residing in a
6 dwelling unit to comply with the maximum limit of individuals allowed to occupy one dwelling
7 unit, as required by Title 23, and:

8 1)

9 a) The number of such individuals was more than is lawful
10 under the current version of Title 23 but was lawful under Title 23 or Title 24 on August 10,
11 1994;

12 b) That number has not increased with the knowledge or
13 consent of the owner at any time after August 10, 1994; and

14 c) The owner is either unwilling or unable to obtain a
15 permit to allow the unit with that number of residents.

16 2) The owner has served the tenants with a 30 day notice,
17 informing the tenants that the number of tenants exceeds the legal limit and must be reduced to
18 the legal limit,

19 3) After expiration of the 30 day notice, the owner has served the
20 tenants with and the tenants have failed to comply with a ten day notice to comply with the limit
21 on the number of occupants or vacate, and

22 4) If there is more than one rental agreement for the unit, the owner
23 may choose which agreements to terminate; provided that, the owner may either terminate no

more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

1.

1) The owner seeks to reduce the number of individuals who reside in one dwelling unit to comply with the legal limit after receipt of a notice of violation of the Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

a) The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that, no 30 day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner;

b) After expiration of the 30 day notice required by subsection 22.206.160.1.1.a above, or at any time after receipt of the notice of violation if no 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the tenants with and the tenants have failed to comply with a ten day notice to comply with the maximum legal limit on the number of occupants or vacate; and

c) If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.

2) For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

a) \$2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

b) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after receipt of a notice of violation of the development standards provided in those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1) \$2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

2) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

o. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041 and 23.45.545

1 that is accessory to the housing unit in which the owner resides, or seeks to terminate the tenancy
2 of a tenant in a single-family dwelling unit and the owner resides in an accessory dwelling unit
3 on the same lot. This subsection 22.206.160.C.1.o does not apply if the owner has received a
4 notice of violation of the development standards of Section 23.44.041. If the owner has received
5 such a notice of violation, subsection 22.206.160.C.1.m applies;

6 p. A tenant, or with the consent of the tenant, the tenant's subtenant,
7 sublessee, resident, or guest, has engaged in criminal activity on the premises, or on the property
8 or public right-of-way abutting the premises, and the owner has specified in the notice of
9 termination the crime alleged to have been committed and the general facts supporting the
10 allegation, and has assured that the Seattle Department of Construction and Inspections has
11 recorded receipt of a copy of the notice of termination. For purposes of this subsection
12 22.206.160.C.1.p, a person has "engaged in criminal activity" if (~~he or she~~) the person:

13 1) Engages in drug-related activity that would constitute a
14 violation of chapters 69.41, 69.50, or 69.52 RCW, or

15 2) Engages in activity that is a crime under the laws of this state,
16 but only if the activity substantially affects the health or safety of other tenants or the owner.

17 2. Any rental agreement provision which waives or purports to waive any right,
18 benefit or entitlement created by this subsection 22.206.160.C shall be deemed void and of no
19 lawful force or effect.

20 3. With any termination notices required by law, owners terminating any tenancy
21 protected by this Section 22.206.160 shall advise the affected tenant or tenants in writing of the
22 reasons for the termination and the facts in support of those reasons.

1 4. If a tenant who has received a notice of termination of tenancy claiming
2 subsection 22.206.160.C.1.e, 22.206.160.C.1.f, or 22.206.160.C.1.m as the ground for
3 termination believes that the owner does not intend to carry out the stated reason for eviction and
4 makes a complaint to the Director, then the owner must, within ten days of being notified by the
5 Director of the complaint, complete and file with the Director a certification stating the owner's
6 intent to carry out the stated reason for the eviction. The failure of the owner to complete and file
7 such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction
8 action based on this ground.

9 5. In any action commenced to evict or to otherwise terminate the tenancy of any
10 tenant, it shall be a defense to the action that there was no just cause for such eviction or
11 termination as provided in this Section 22.206.160.

12 6. It shall be a violation of this Section 22.206.160 for any owner to evict or
13 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any
14 tenant using a notice which references subsections 22.206.160.C.1.e, 22.206.160.C.1.f,
15 22.206.160.C.1.h, 22.206.160.C.1.k, 22.206.160.C.1.l, or 22.206.160.C.1.m as grounds for
16 eviction or termination of tenancy without fulfilling or carrying out the stated reason for or
17 condition justifying the termination of such tenancy.

18 7. An owner who evicts or attempts to evict a tenant or who terminates or
19 attempts to terminate the tenancy of a tenant using a notice which references subsections
20 22.206.160.C.1.e, 22.206.160.C.1.f or 22.206.160.C.1.h as the ground for eviction or termination
21 of tenancy without fulfilling or carrying out the stated reason for or condition justifying the
22 termination of such tenancy shall be liable to such tenant in a private right for action for damages
23 up to \$2,000, costs of suit, or arbitration and reasonable attorney's fees.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2019,
and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)